

23 MAG 7525

UNITED STATES OF AMERICA

v.

MAMADOU HAIDARA and
ABDULAI FOFANAH,

Defendants.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 371,
553(a)(1), 2313, and 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN DUFFY, being duly sworn, deposes and says that he is a Special Agent with Homeland Security Investigations (“HSI”), and charges as follows:

COUNT ONE

(Conspiracy to Export and Possess Stolen Motor Vehicles)

1. From at least in or about April 2023, up to and including at least in or about December 2023, in the Southern District of New York and elsewhere, MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, the exportation of stolen motor vehicles, in violation of Title 18, United States Code, Section 553(a)(1) and the possession of stolen motor vehicles, in violation of Title 18, United States Code, Section 2313.

2. It was a part and object of the conspiracy that MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, and others known and unknown, would and did knowingly export and attempt to export motor vehicles, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 553(a)(1).

3. It was further a part and object of the conspiracy that MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, and others known and unknown, would and did knowingly receive, possess, conceal, store, barter, sell, and dispose of motor vehicles which had crossed State boundaries after having been stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2313.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about April 14, 2023, HAIDARA paid a cash deposit to a freight forwarder in connection with a shipment of stolen motor vehicles to West Africa.

b. Between on or about August 25, 2023 and on or about August 29, 2023 FOFANAH booked shipping services with a freight forwarder and provided documentation in connection with a shipment of stolen motor vehicles to West Africa.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Exportation of Stolen Motor Vehicles)

5. From at least in or about April 2023, up to and including at least in or about December 2023, in the Southern District of New York and elsewhere, MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, did knowingly export and attempt to export motor vehicles, knowing the same to have been stolen, to wit, HAIDARA and FOFANAH exported and attempted to export stolen cars by, among other things, facilitating their placement in shipping containers bound for West Africa.

(Title 18, United States Code, Sections 553(a)(1) and 2.)

COUNT THREE
(Possession of Stolen Motor Vehicles)

6. From at least in or about April 2023 up to and including at least in or about December 2023, in the Southern District of New York and elsewhere, MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, did knowingly receive, possess, conceal, store, barter, sell, and dispose of motor vehicles which had crossed State boundaries after having been stolen, knowing the same to have been stolen, to wit, HAIDARA and FOFANAH received and possessed in New York State motor vehicles stolen from outside New York State and stored or concealed them in shipping containers bound for West Africa, knowing those vehicles were stolen.

(Title 18, United States Code, Sections 2313 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

7. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”). I have been personally involved in the investigation of this matter. This affidavit is based upon my investigation, my conversations with law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

8. Based on my training and experience, my involvement in this investigation, and my conversations with other law enforcement officers, I am familiar with schemes in which stolen motor vehicles—typically, high-end luxury cars—are sent in shipping containers, under

fraudulent export paperwork, to buyers in West Africa. Such schemes work as follows, with some variation:

a. Members of the schemes obtain the high-end luxury cars either by stealing them outright from the street or by using stolen identities to rent them from car rental companies and never returning them.

b. Members of the schemes drive the luxury cars to a prearranged location where the luxury cars can be stored temporarily (the “Layup Location”).

c. Members of the schemes pick up the luxury cars from the Layup Location and drive them to a second prearranged location (the “Loading Location”), where they are loaded into shipping containers. A member of the schemes may coordinate or be in charge of loading the luxury cars at the Loading Location. Each shipping container can typically be loaded with two or three luxury cars.

d. Members of the schemes engage the services of freight forwarders—which are companies that organize the shipment of cargo on behalf of shippers—to prepare export paperwork for each shipping container. The export paperwork for each shipping container typically represents, in substance and in part, that the container is carrying low-value household products and/or low-end motor vehicles, when in fact it is carrying stolen luxury cars. The shipping containers are hauled by truck to a seaport, where they are placed on ships bound for destinations in West Africa.

9. Beginning in or about June 2023, I, along with other law enforcement officers, began conducting regular physical surveillance of a business named Houmamaber Auto Transport, LLC located at 710 East 139th Street in the Bronx, New York (the “Shipping Business”), which I believe to be a business operated by MAMADOU HAIDARA, the defendant. Based on my review of a document from the Internal Revenue Service (the “IRS”) relating to the assignment of an Employer Identification number (“EIN”), I know that HAIDARA submitted an application to the IRS to obtain an EIN for the Shipping Business. Moreover, HAIDARA is listed as the signer for bank accounts in the name of the Shipping Business, and as the subscriber of a telephone number that is listed on business signage at the Shipping Business’s location.

10. During the physical surveillance of the Shipping Business and my review of surveillance footage of the Shipping Business, I learned the following:

a. From at least in or about June 2023 up to and including at least in or about December 2023, I or other law enforcement officers observed stolen luxury cars (the “Luxury Cars”) driven to and parked in front of, inside, or near the Shipping Business. I knew the Luxury Cars to be stolen because I or other law enforcement officers conducted a check using the National Crime Information Center (“NCIC”) database and compared the vehicle identification numbers (“VINs”) and/or license plates of the Luxury Cars with the VINs and license plates of vehicles reported to be stolen or missing by car rental companies and/or law enforcement agencies. In doing so, I or other law enforcement officers confirmed that those VINs and/or license plates matched.

b. During this period, MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, were seen at the Shipping Business facilitating the removal of VINs on Luxury Cars and replacing those VINs with new VINs (“VIN Replacement”).

i. For example, surveillance footage indicates that, on or about June 11, 2023, HAIDARA and FOFANAH were at the Shipping Business while two individuals removed the original VINs on a BMW SUV, a Ford F-150, and a Range Rover, and placed new VINs on those vehicles. Surveillance footage shows FOFANAH and HAIDARA directing vehicles into the Shipping Business’s lot and observing the VIN Replacement, and FOFANAH appeared to assist the VIN Replacement by driving the Range Rover into the Shipping Business’s lot and then out of the lot after VIN Replacement was completed. Based on my training and experience, I know that VIN Replacement is used to avoid the identification of stolen vehicles by law enforcement. Photographs of FOFANAH assisting in bringing the BMW SUV into the Shipping Business’s lot shortly before the vehicle’s VIN was removed and replaced and HAIDARA next to the BMW SUV as its VIN was removed and replaced are below:



ii. Based on my participation in this investigation and my discussions with other law enforcement officers, I know that a few days after the Range Rover’s VIN was replaced, the Range Rover was recovered approximately one block away from 1210 Croes

Avenue, Apt. 18B in the Bronx, New York, which I believe to be FOFANAH's residence ("FOFANAH's Address"). FOFANAH's Address is believed to be FOFANAH's residence because law enforcement officers observed FOFANAH leaving that address in or about mid-November 2023, and law enforcement officers also observed FOFANAH's name listed on a list of apartment residents posted by the entrance of the apartment building located at FOFANAH's Address.

c. During this period, Luxury Cars were loaded into shipping containers ("Shipping Containers") that were at the Shipping Business. On several occasions, HAIDARA and FOFANAH facilitated the loading of Luxury Cars into the Shipping Containers. For example:

i. Based on my review of New York City Police Department ("NYPD") body-worn camera footage, I know that, on or about May 2, 2023, HAIDARA was arrested by the NYPD at the Shipping Business for possession of stolen vehicles that were parked at the Shipping Business's lot. NYPD body-worn camera footage of HAIDARA's arrest shows that a Shipping Container bearing serial number MIEU2828525 was on the Shipping Business's lot and that an Audi Q8 (the "Audi Q8") was visible inside the Shipping Container. NYPD body-worn camera footage also shows that NYPD officers asked HAIDARA about the Shipping Container bearing serial number MIEU2828525 and HAIDARA stated that the Shipping Container was not for any of his shipments and that it was for someone else's shipment. Photographs of the Shipping Container on the Shipping Business's lot on or about May 2, 2023, HAIDARA next to the Shipping Container, and the Audi Q8 observed in the Shipping Container are below:



ii. On or about August 29, 2023, law enforcement officers observed FOFANAH opening the gate for the Shipping Business's lot and observing the loading of a Jeep Wrangler and a Range Rover into a Shipping Container bearing serial number MRSU4133543.

iii. On or about December 2, 2023, law enforcement officers observed FOFANAH and another individual open a shipping container that was placed in front of the entrance of the Shipping Business, after which a Range Rover, a BMW SUV, and a Jeep were loaded into the Shipping Container. Law enforcement officers also observed HAIDARA at the Shipping Business watching the loading of the Shipping Container and speaking on the phone. The Shipping Container was subsequently taken to a seaport for export and Customs and Border Protection ("CBP") examined the Shipping Container on or about December 7, 2023, conducted a search of the NCIC database for the vehicles found in the Shipping Container, and determined that the BMW SUV and the Range Rover had been reported stolen.

11. Based on my discussions with freight forwarders and my review of shipping records, I have learned that MAMADOU HAIDARA and ABULAI FOFANAH, the defendants, communicated with freight forwarders to arrange the shipment of Shipping Containers containing Luxury Cars to locations in West Africa. For example:

a. On or about April 14, 2023, HAIDARA booked shipping services with a freight forwarder ("Freight Forwarder-1") for the shipment of a Shipping Container bearing serial number MIEU2828525 (that is, the serial number of the Shipping Container described *supra* at paragraph 10(c)(i)) to a destination in the Ivory Coast. He listed the Shipping Business as the shipper, and he also went in person to the office of Freight Forwarder-1 to pay a cash deposit and to provide documentation in connection with the shipment.

b. On or about August 25, 2023, an individual whom I believe, for the reasons that follow, to be FOFANAH booked shipping services with a freight forwarder ("Freight Forwarder-2") for the shipment of a Shipping Container bearing serial number MRSU4133543 (that is, the serial number of the Shipping Container described *supra* at paragraph 10(c)(ii)) to a destination in Sierra Leone. That individual listed the name "Mamadou Diane" as the shipper but provided the email address "abdulai1982@icloud.com" for the booking and, on or about August 29, 2023, used that email address to correspond with Freight Forwarder-2 regarding the shipment, including to provide documentation relating to the shipment. Records from Apple Inc. indicate that the account associated with "abdulai1982@icloud.com" lists a phone number for which the subscriber is an individual with the last name "Fofanah" and the subscriber's address is FOFANAH's Address.

c. Among the documentation that the individual believed to be FOFANAH provided to Freight Forwarder-2 were vehicle bills of sale for two Land Rover Range Rovers and a Jeep Wrangler. Based on my training and experience, I believe these bills of sale are fraudulent because the bills of sale purported to be prepared by different sellers located in different states, but they bore nearly identical business logos. Each bill of sale also listed a VIN that was later determined not to be the true VIN of the vehicle identified in the document (see *infra* at paragraph 12(b)).

12. Based on my personal observation, my discussions with other law enforcement officers, and my review of shipping records, I have learned that the Shipping Containers into

which Luxury Cars were loaded were taken to seaports for transportation to locations in West Africa. For example:

a. The Shipping Container bearing serial number MIEU2828525—into which a stolen Audi Q8 was observed inside the Shipping Container while MAMADOU HAIDARA, the defendant, was present—departed the Port of Newark in New Jersey, destined for the Ivory Coast, on or about May 7, 2023. On or about June 9, 2023, the Shipping Container was intercepted by CBP in Spain and sent back to the Port of Newark. The Shipping Container was inspected by CBP on or about August 31, 2023 and a Range Rover Sport, an Audi Q8, and a Range Rover HSE were found inside. CBP conducted a search of the NCIC database for the vehicles found in the Shipping Container and determined that the vehicles had been reported stolen. Based on my review of records from the NCIC database, I know that the vehicles were stolen from New Jersey. Photographs of the Range Rover Sport, the Audi Q8, and the Range Rover HSE found inside the Shipping Container are below:



b. The Shipping Container bearing serial number MRSU4133543—into which law enforcement officers observed ABDULAI FOFANAH, the defendant, facilitate the loading of a Range Rover and a Jeep Wrangler—was intended for transportation to Sierra Leone and was intercepted at the Port of Newark in New Jersey on or about August 30, 2023. The Shipping Container was inspected by CBP on or about September 25, 2023 and two Land Rover Range Rovers and a Jeep Wrangler were found inside. CBP conducted a search of the NCIC database for the vehicles found in the Shipping Container and determined that the vehicles had been reported stolen. Based on my discussions with CBP officers and my review of CBP records, I know that CBP examined the vehicles and determined, for the reasons that follow, that false VINs had been affixed to the vehicles. The false VINs did not match the VINs etched into the frame of certain of the vehicles or other VIN stickers affixed to certain of the vehicles, the false VINs did not conform to the standard serial number format for VINs, and/or the false VINs did not match the VINs listed in the NCIC database for the vehicles.

c. Based on my review of CBP records and documents from Freight Forwarder-2, I learned that the false VINs on these vehicles matched the VINs listed on the bills of sale provided by the individual believed to be FOFANAH, described *supra* at paragraph 11(c).¹ Based on my review of records from the NCIC database, I know that the two Range Rovers were stolen from New Jersey.

¹ One of the bills of sale listed a VIN that was nearly identical to one of the false VINS but missed one digit of that false VIN.

13. Based on my involvement in this investigation and my discussions with Freight Forwarder-2, I know that, on or about October 30, 2023, Freight Forwarder-2 sent to the email address “abdulai1982@icloud.com” an invoice for customs exam fees—which are costs incurred when a shipment is pulled by CBP for a customs exam—for the Shipping Container bearing serial number MRSU4133543. Based on my involvement in this investigation and my discussions with Freight Forwarder-2, I know that the individual using the email address “abdulai1982@icloud.com” (whom I believe to be ABDULAI FOFANAH, the defendant) replied to Freight Forwarder-2’s email and indicated that he would pay the customs exam fees; that individual then emailed Freight Forwarder-2 a receipt for a cash deposit to Freight Forwarder-2’s bank account as proof of payment. Based on my training, experience, and involvement in this investigation, I know that customs exams fees are often paid by freight forwarders to warehouses used by CBP on behalf of the shipper, after which the shipper then pays the freight forwarder for those fees.

14. Based on my training and experience, I am aware that cargo to be exported from the United States must be declared in a filing called the Electronic Export Information (“EEI”). I am further aware that the EEI for a shipping container is typically prepared by the freight forwarder on the basis of information provided to the freight forwarder by the party whose cargo is to be shipped.

15. Based on my review of shipping records, I have learned that certain of the EEIs for the Shipping Containers stated, falsely, that the contents of the Shipping Containers were low-end vehicles. For example, the EEI for the Shipping Container bearing serial number MIEU2028525—which was found to contain a stolen Range Rover Sport, a stolen Audi Q8 Quattro, and a stolen Range Rover HSE—falsely stated that the Shipping Container contained a Hyundai Elantra, a Subaru Forester, and a Volkswagen Rabbit.

16. Because, as set forth above, the information contained in an EEI reflects information provided to the freight forwarder by the party whose cargo is to be shipped, I believe that MAMADOU HAIDARA, the defendant, caused the filing of false EEIs for the Shipping Containers.


17. Based on my physical surveillance of the Shipping Business, inspection of the Shipping Containers by law enforcement officers, my review of shipping records, and my conversations with other law enforcement officers, I have learned that, during the period from April 2023 to December 2023, at least 12 stolen Luxury Cars were loaded into shipping containers, exported, or attempted to be exported as part of shipments arranged by MAMADOU HAIDARA or ABDULAI FOFANAH, the defendants. Based on my training and experience and publicly available market data, I estimate that the value of those Luxury Cars totals nearly \$900,000.

WHEREFORE, I respectfully request that warrants be issued for the arrests of MAMADOU HAIDARA and ABDULAI FOFANAH, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

s/ Brian Duffy /otw

BRIAN DUFFY
Special Agent
Homeland Security Investigations

Sworn to before me on this 12th day of December, 2023. by telephone



THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York